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REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the amendments above and the discussion that follows.

Claims 22, 23, 27, 28 and 31 have been amended pursuant to the Examiner's helpful comments. Claims 1-11 and 15-31 are in the case and are before the Examiner. Withdrawal of the previous rejections is noted with appreciation.

1. The Amendments

Claims 22, 23, 27, 28 and 31 have been amended pursuant to the Examiner's helpful comments. Thus, the phrase "SEQ ID NOs:" has been added to four of those claims, whereas the word rabbit has been cancelled and replaced by "monkey" in the fifth claim, claim 27, to maintain subject matter continuity with the parental claim. It is thus seen that no new matter has been added.

2. The ActionA. Section 112, Second Paragraph

Several of the claims were rejected as allegedly being indefinite. It is believed that this basis for rejection has been made moot by the present amendments.

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B. Double Patenting

All of the claims were provisionally rejected under the judicially created doctrine of so-called obviousness-type double patenting over claims of co-pending application Serial No. 08/785,977 and application Serial No. 08/788,882 in view of Felgner et al. U.S. Patent No. 5,580,859. This provisional rejection is respectfully traversed.

It is first noted that prosecution is suspended in each of the above-enumerated applications pending evaluation for a possible interference. It is submitted therefore that neither of those two applications is close to being in condition for allowance or near to issuing as a patent. On the other hand, it is believed that upon withdrawal of this rejection, this application can be allowed, and thereafter issue as a patent. This issue of obviousness-type double patenting is thus not ripe as to this application. It is submitted that this rejection should be withdrawn.

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3. Summary

Claims 22, 23, 27, 28 and 31 have been amended pursuant to the Examiner's helpful suggestions. The bases for rejection have been dealt with and overcome or otherwise made moot.

It is believed that this application is in condition for allowance of all of the claims. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

By



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